CITY OF REDMOND ORDINANCE NO. 2474

AN ORDINANCE OF THE CITY OF REDMOND WASHINGTON, AMENDING RMC 9.12.030(7) AUTHORIZING THE MAYOR TO ISSUE ORDERS IN CIVIL EMERGENCIES

WHEREAS, under RCW 9.41.290 the state of Washington "fully occupies and preempts the entire field of firearms regulation"; and

WHEREAS, RCW 9.41.300 permits municipalities to regulate the possession of firearms only in stadiums and convention centers; and

WHEREAS, Washington State Attorney General Opinion No. 8 (2008) concludes that RCW 9.41.290 preempts a city's authority to enact local laws prohibiting possession of firearms on city property; and

WHEREAS, RCW 43.06.220(1)(e) authorizes the governor, after proclaiming a state of emergency, to issue an order prohibiting the possession of firearms or any other deadly weapon in a place other than a residence or business, but no similar authority has been delegated to the mayor by statute.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the code.

- Section 2. Amendment of subsection. RMC 9.12.030(7), Civil Emergency, Mayor Authorized to Issue Orders, is hereby amended to read as follows:
 - (7) Prohibit any person or persons from carrying or possessing upon any street, alley, highway, or public place within the city any [FIREARMS,] knives, clubs, rocks, bricks, or other weapons, objects or contrivances susceptible for use in causing injury to persons or damage to property that are not considered firearms as defined in RCW 9.41.010;

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary or as otherwise required by law.

ADOPTED by the Redmond City Council this $21^{\rm st}$ day of July, 2009.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

Michelle M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY

JAMES E. HANEY, CLTY ATTORNEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2474

July 15, 2009

July 21, 2009

July 21, 2009

July 27, 2009

August 1, 2009

APPROVED (6-1), YES: Allen, Carson, Cole, Margeson, Myers and Vache, NO: McCormick